

WHAT IS DIVERSION?

Diversion is a program designed to keep first-time offenders out of the court system. It is based upon the belief that, in many instances, there is a more appropriate and beneficial way to prevent future offenses. If you complete the program successfully, the charges against you will be dropped and you will have no court record.

You may be eligible for diversion for your first offense for each of the following offense categories: 1) MIP and/or drug related offenses, 2) assault offenses, 3) property offenses, and 4) certain traffic offenses.

The County Attorney/City Attorney must make recommendation to the diversion program before application is considered. (Only youth who have not yet reached their 19th birthday will be considered.)

IS DIVERSION THE SAME AS PROBATION?

No. You can only be placed on probation by the court after you have been found guilty of an offense.

WHAT ARE THE GOALS OF DIVERSION?

1. To provide a standard procedure for handling juvenile legal offenses in the county.
2. To educate youth about choices and decision-making in a meaningful way.
3. To help youth make needed changes in behavior, thus avoiding further law violations.
4. To help youth evaluate and identify problems and, if necessary, guide them in finding help for these problems.

WHO IS ELIGIBLE FOR DIVERSION?

To be eligible for diversion, you must meet the following criteria:

1. No previous misdemeanor convictions for the same offense category.
2. No previous participation in the diversion program, or on probation, for the same offense category.
3. No previous felony convictions.
4. Do not have to be guilty of the offense to participate in diversion but must accept responsibility and be willing to seek help.
5. Ages 7-17 are eligible for diversion on all offenses.

HOW MUCH DOES THE DIVERSION PROGRAM COST?

Diversion program entry fees range from \$25.00 to \$200.00, depending on the nature of the offense. In addition, you will be assessed a \$50.00 non-resident fee if you reside outside of Saunders County, and a \$5.00 insurance fee for your community service projects. You will have to pay for any evaluations, counseling, classes, groups, or other services required by your diversion contract. You may also have to pay restitution.

HOW LONG AM I ON DIVERSION?

Three months to one year, depending on the nature of the offense. Terms may be extended to total up to one year but no term may exceed one year.

HOW OFTEN CAN I BE ELIGIBLE FOR THE DIVERSION PROGRAM?

An individual is eligible for the diversion program, one time per offense category. An individual may not repeat diversion until **one year** has elapsed since previous participation in the diversion program. (Youth Service Officer has option to use discretion.)

WHAT DO I HAVE TO DO ON DIVERSION?

1. Obey all local, state and federal laws.

2. If currently in school, to attend school regularly and maintain passing grades.
3. To submit to a chemical test of blood, breath or urine, upon request of the diversion officer, to determine the use of alcoholic liquor or drugs. Failure to submit to tests shall constitute a violation of diversion. **I will be required to pay Youth Services \$15.00 per chemical test given.** Positive test results will be considered grounds for dismissal from the diversion program.
4. To submit to a search for the presence of alcohol or drugs of my person, residence, or vehicle by the diversion officer with or without probable cause.
5. To meet with the Youth Service System staff at least once every two weeks unless otherwise stated.
6. To keep the Youth Service System advised of current address, telephone, employment and school status.
7. To **immediately** notify the Youth Service System of any law violations.
8. To successfully complete recommended terms of diversion. This may include a verbal and written apology, written report, community service, defensive driving class, substance abuse evaluation, drug and alcohol education class, individual and/or family counseling, victim impact panel, tour of a jail/penitentiary, attend AA meetings, view films, and other services deemed necessary by the Youth Service System. Terms of diversion are designed to meet specific needs of the participant.
9. To abide by a curfew established by the Youth Service System. **Two curfew violations will result in removal from the diversion program.**
10. To maintain residence in Saunders County or pay a \$50.00 non-resident fee.
11. Complete a defensive driving course if driving when the offense took place.

WHAT HAPPENS IF I DON'T COMPLETE THE PROGRAM?

If you do not complete the program, your name will be returned to the County Attorney for prosecution.

WHAT IF I AM ARRESTED AGAIN WHILE ON DIVERSION?

If you are arrested on a new offense while on diversion, you will not be able to complete the program until the new charges have been resolved. If you plead guilty or are convicted of those charges, you will automatically be dropped from diversion and you will have to return to court on the new offense as well as the original charge.

WHAT ARE SOME WAYS I COULD BE DROPPED FROM THE PROGRAM?

You may be revoked from the diversion program by violating any of the terms on the diversion contract. Some of the terms are but are not limited to:

1. By drinking alcoholic beverages.
2. By being under the influence or be in possession of a controlled substance.
3. By missing **three** appointments with the Youth Service System.
4. By having unexcused absences from school, or by dropping out of school.
5. By violating curfew.
6. By not following up on recommended services.
7. By being convicted of another charge and/or at the discretion of the diversion officer.

WHAT HAPPENS IF I COMPLETE THE DIVERSION PROGRAM?

No charges will be filed against you in court on this offense and you will have no court record.